

UNAPPROVED

MINUTES

SELECTMEN'S MEETING
@Memorial Library Community Room

May 4, 2009
7:00p.m.

The regular meeting of the Board of Selectmen was called to order at 7:00 p.m. by First Selectman Janet M. McCarty. Also present were Stephen A. Fontana, Second Selectman and Michael J. Freda, Third Selectman.

Ms. McCarty made a motion to open and add to the agenda discussion and a vote to recommend the New Code of Ethics.

Voted: McCarty – yes, Fontana – yes, Freda – yes

At this time, there were public comments relative to the agenda.

Miriam Brody, 500 Elm Street, #15-4, had questions about the New Code of Ethics, including the requirements for a quorum and the waiver exception when nepotism is addressed. Ms. McCarty explained that three members would constitute a quorum because it was difficult to get four members as required in the past. She also explained that under the proposed code, direct supervision of related individuals is prohibited. We currently have town employees who are related - they will be grandfathered in. In other cases, a waiver can be obtained if a good case is presented to the Board of Ethics and approved by the Board of Selectmen. If the New Code of Ethics is passed at referendum, it will become effective on 7-1-09.

Rico Gattilia, 3 School Lane, asked about debris at the end of Devine Street. Ms. McCarty stated that the matter will be looked into.

A motion was made by Mr. Fontana to approve the minutes of the Regular Selectmen's Meeting of April 2, 2009. Voted: McCarty – yes, Fontana – yes, Freda – yes

A motion was made by Mr. Fontana to approve the minutes of the Special Selectmen's Meeting of April 23, 2009. Voted: McCarty – yes, Fontana – yes, Freda – yes

Mr. Fontana made a motion to reappoint Anthony P. Rescigno (R), 7 Beach Lane, as a Municipal Director of the Greater New Haven/Connecticut Convention & Visitor Bureau, term to expire 6-30-12

Voted: McCarty – yes, Fontana – yes, Freda – yes

Mr. Fontana made a motion to ratify the labor contract between the Town of North Haven and UE 222 CILU/CIPU and Its Sublocal CILU #58, North Haven Public Works Employees, July 1, 2007 – June 30, 2011

Voted: McCarty – yes, Fontana – yes, Freda – yes

Mr. Fontana made a motion to approve the following resolution:

RESOLVED: That the Board of Selectmen recommends the **repeal** of the existing **CHAPTER 30 ETHICS, CODE OF** from the Town's Code of Ordinances in its entirety, and the replacement thereof by **adoption of the ordinance** entitled **CHAPTER 30 ETHICS, CODE OF (2009)**, as authorized by Connecticut General Statutes §7-148h and Town Charter, Chapter VI, Subsection 602 C.2 and Chapter X, Section 1001.

AND IT IS FURTHER RESOLVED: That the question of the aforementioned repeal of the existing CHAPTER 30 ETHICS, CODE OF from the Town's Code of Ordinances in its entirety, and the replacement thereof by adoption of the ordinance entitled CHAPTER 30 ETHICS, CODE OF (2009) be included as the following ballot question on the Referendum to be held on May 19, 2009:

“Shall the Town of North Haven, in accordance with the recommendation of the Board of Selectmen, **repeal** the existing *Chapter 30, Ethics, Code of* from the Ordinances of the Town of North Haven in its entirety and **adopt** the Ordinance entitled *Chapter 30 Ethics, Code of (2009)?*”

Voted: McCarty – yes, Fontana – yes, Freda – yes

Ms. McCarty introduced John Parese, town attorney, to explain the opinion given by Richard Parrett, who was unable to attend, regarding the petition submitted by Bob Burns requesting a Special Town Meeting to Retain/Restore the Position of Engineer II in the Department of Public Works/Eng. Office of the Town of North Haven, CT. He stated that based on the analysis of the State Statutes and the Town of North Haven Charter, appropriations cannot be increased by the Annual Town Budget Meeting beyond that which was recommended by the Board of Finance. As a result, the Board of Selectmen is not required to call a Special Town Meeting since a town meeting has no power to act on such a petition.

Mr. Freda cited case law that he had studied, “Morris vs. Codgen” where the Connecticut Supreme Court had overruled the Appellate Court in 2006 requiring the Board of Selectmen to call a town meeting. He questioned whether Director of Public Works, Lynn Sadosky and Town Engineer, Jonathan Bodwell endorsed the elimination of the position and stated that it is a violation of the Fair Labor Act for Ms. Sadosky to become involved in union work. He stated that the town would have to hire and pay consultants to do the work previously performed by Mr. Burns.

A motion was made by Mr. Fontana to reject the petition on the advice of counsel to call for a Special Town Meeting to Retain/Restore Position of Engineer II in the Department of Public Works/Eng. Office of the Town of North Haven, CT.

Voted: McCarty – yes, Fontana – yes, Freda – no

A motion was made by Mr. Fontana to approve the following resolution:

BE IT RESOLVED: That Janet M. McCarty, First Selectman for the Town of North Haven, Connecticut is authorized to sign a contractual agreement with the State of Connecticut, Department of Environmental Protection for the purpose of receiving funds from an Urban Act Grant in the amount of \$600,000 for the drainage improvements in the area of Todd Drive, Todd Drive South and Pine Brook

Voted: McCarty – yes, Fontana – yes, Freda – yes

Mr. Fontana moved to approve the following property tax refunds:

Michael J. & Sylvia Battista & Surv, 500 Elm Street, Unit 13-5, North Haven, CT 06473, in the amount of \$184.84, and in the amount of \$163.84, and in the amount of \$151.34

Salvatore & Rita Bonito & Surv, 511 Elm Street, Unit 7-5, North Haven, CT 06473, in the amount of \$184.82, and in the amount of \$163.84, and in the amount of \$151.34

Robert E. or Martha J. Brady, 15 Stonehedge Drive, North Haven, CT 06473, in the amount of \$11.54, and in the amount of .96

DCFS Trust, Box 685, 2050 Roanoke Road, West Lake, TX 76262, in the amount of \$341.40, and in the amount of \$498.52

John R. DeFilippo, 17 Ridgewood Court, North Haven, CT 06473, in the amount of \$284.42, and in the amount of \$40.24

Directional Technologies, Inc., 26 Windsor Road East, North Haven, CT 06473, in the amount of \$11.92, and in the amount of \$12.05

Gregg M. Guidone, 11 Maturo Drive, East Haven, CT 06512, in the amount of \$170.88, and in the amount of \$252.34

Honda Lease Trust, 600 Kelly Way, Holyoke, MA 01040, in the amount of \$502.90

Kolram Access Services, 50 United Drive, North Haven, CT 06473, in the amount of \$15.37

Kristen L. Morris, 205 Towne House Road, Hamden, CT 06514, in the amount of \$213.38

Nissan Infiniti LT, Box 254648, Sacramento, CA 95865, in the amount of \$39.71, and in the amount of \$508.31

Seungyong Oh or Sumin Park, 865 Mix Avenue L4, Hamden, CT 06514, in the amount of \$369.64

Andrea M. Pascarella, 7 Ridgewood Court, North Haven, CT 06473, in the amount of \$112.15

Eric C. Pascarella, 7 Ridgewood Court, North Haven, CT 06473, in the amount of \$128.84, and in the amount of \$167.82, and in the amount of \$204.38, and in the amount of \$250.45, and in the amount of \$43.96, and in the amount of \$54.99, and in the amount of \$4.23, and in the amount of \$189.54, and in the amount of \$83.08

Penske Truck Leasing Co., RT 10, Green Hills, Reading, PA 19603, in the amount of \$828.63, and in the amount of \$2,024.76, and in the amount of \$1,768.85

Arthur F. Pires, 1999 Hartford Tpke, North Haven, CT 06473, in the amount of \$34.22

Isabel C. Romero Buitrago, 31 St. John Street, North Haven, CT 06473, in the amount of \$8.04

Jane F. Thomson (Trustee), 2 Culver Lane, North Haven, CT 06473, in the amount of \$44.20, and in the amount of \$39.18, and in the amount of \$36.18

Toyota Motor Credit Corp., Box 105386, Atlanta, GA 30348, in the amount of \$247.98, and in the amount of \$440.16

James H. or Lisa M. Wambolt, 511 Elm Street, 6-3, North Haven, CT 06473, in the amount of \$9.78

Andrea J. Warner, 165 Montowese Avenue, North Haven, CT 06473, in the amount of \$27.12

Voted: McCarty – yes, Fontana – yes, Freda – yes

Mr. Fontana made a motion to approve the following bond release as recommended by the Planning & Zoning Commission:

Pharmacia & Upjohn, 41 Stiles Lane, North Haven, CT 06473, Total Release in the amount of \$15,000.00

Voted: McCarty – yes, Fontana – yes, Freda – yes

Ms. McCarty announced that the next meeting of the Board of Selectmen will be on Thursday, June 4, 2009 at 7:00 p.m. in the Library Community Room.

She reminded everyone to attend the Annual Town Meeting on Monday, May 11, 2009 at 7:00 p.m. in the North Haven High School auditorium and also to vote on May 19, 2009 in the Town Referendum.

The Board entertained comments from the public.

Chip Walsh, Attorney for Bob Burns, cited the case mentioned by Mr. Freda and explained that the Board of Selectmen is the agent of the Town Meeting and it is the Town Meeting that has the authority to tell the Board of Selectmen what to do. It thus has the authority to create or eliminate a position (i.e. retain or restore a position). He stated that was not the Board of Finance that eliminated the position but the First Selectman.

Donald Sbabo, address unknown, stated he had been on the Zoning Board for 26 years and could not believe that the position was being eliminated. He stated the Engineer II goes over plans and goes into the field to see all is going well on a project.

Veronica Kivela, 70 Drazen Drive, questioned why Mr. Parese sees danger in bringing a vote to a town meeting.

William Gambardella, 1014 Hartford Turnpike, stated that he had inquired about calling a town meeting when Robert Ciulla was town attorney and was told that under State Statute and Town Charter a petition could not be accepted and the issue could not go forward.

Miriam Brody, 500 Elm Street #15-4, asked if the proposed New Code of Ethics, with changes discussed, would be available before the Town Meeting. Ms. McCarty stated that it is on the Town Website and in the Town Clerk's Office.

Ann DeMatteo, New Haven Register, asked if the budget can be increased at a Town Meeting. Ms. McCarty explained that it can not. If the budget is voted down, the matter goes back to the Board of Finance to start a new budget process.

Irene Salman, 27 Drazen Drive, asked why Mr. Parrett was not present. Ms. McCarty explained that he was unable to attend.

Peter Tenedine, 11 Mountainbrook Road, asked if the amount of legal bills to defend this case was taken into account. He also asked if Richard Branigan was consulted since he had been Mr. Burns' superior. Mr. Freda also stated that elimination of the position would lead to legal bills and severance payout.

There being no further business to come before the Board, Ms. McCarty moved for adjournment at 7:44 p.m. Voted: McCarty – yes, Fontana – yes, Freda – yes